

110TH CONGRESS
1ST SESSION

S. 547

To establish a Deputy Secretary of Homeland Security for Management,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2007

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mrs. MCCASKILL)
introduced the following bill; which was read twice and referred to the
Committee on Homeland Security and Governmental Affairs

A BILL

To establish a Deputy Secretary of Homeland Security for
Management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Effective Homeland
5 Security Management Act of 2007”.

6 **SEC. 2. DEPUTY SECRETARY OF HOMELAND SECRETARY**
7 **FOR MANAGEMENT.**

8 (a) ESTABLISHMENT AND SUCCESSION.—Section
9 103 of the Homeland Security Act of 2002 (6 U.S.C. 113)
10 is amended—

1 (1) in subsection (a)—

2 (A) in the subsection heading, by striking
3 “DEPUTY SECRETARY” and inserting “DEPUTY
4 SECRETARIES”;

5 (B) by striking paragraph (6);

6 (C) by redesignating paragraphs (2)
7 through (5) as paragraphs (3) through (6), re-
8 spectively; and

9 (D) by striking paragraph (1) and insert-
10 ing the following:

11 “(1) A Deputy Secretary of Homeland Security.

12 “(2) A Deputy Secretary of Homeland Security
13 for Management.”; and

14 (2) by adding at the end the following:

15 “(g) VACANCIES.—

16 “(1) VACANCY IN OFFICE OF SECRETARY.—

17 “(A) DEPUTY SECRETARY.—In case of a
18 vacancy in the office of the Secretary, or of the
19 absence or disability of the Secretary, the Dep-
20 uty Secretary of Homeland Security may exer-
21 cise all the duties of that office, and for the
22 purpose of section 3345 of title 5, United
23 States Code, the Deputy Secretary of Homeland
24 Security is the first assistant to the Secretary.

“(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “**UNDER SECRETARY**” and inserting “**DEPUTY SECRETARY OF HOMELAND SECURITY**”;

(2) in subsection (a)—

(A) by inserting “The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.” before “The Secretary”;

(B) by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”;

(C) by striking paragraph (7) and inserting the following:

“(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.”; and

(D) by striking paragraph (9), and inserting the following:

“(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.”; and

(3) in subsection (b)—

1 (A) in paragraph (1), by striking “Under
2 Secretary for Management” and inserting
3 “Deputy Secretary of Homeland Security for
4 Management”; and

5 (B) in paragraph (2), by striking “Under
6 Secretary for Management” and inserting
7 “Deputy Secretary of Homeland Security for
8 Management”.

9 (c) APPOINTMENT, EVALUATION, AND REAPPOINT-
10 MENT.—Section 701 of the Homeland Security Act of
11 2002 (6 U.S.C. 341) is amended by adding at the end
12 the following:

13 “(c) APPOINTMENT, EVALUATION, AND REAPPOINT-
14 MENT.—The Deputy Secretary of Homeland Security for
15 Management—

16 “(1) shall be appointed by the President, by
17 and with the advice and consent of the Senate, from
18 among persons who have—

19 “(A) extensive executive level leadership
20 and management experience in the public or
21 private sector;

22 “(B) strong leadership skills;

23 “(C) a demonstrated ability to manage
24 large and complex organizations; and

1 “(D) a proven record in achieving positive
2 operational results;

3 “(2) shall—

4 “(A) serve for a term of 5 years; and

5 “(B) be subject to removal by the Presi-
6 dent if the President—

7 “(i) finds that the performance of the
8 Deputy Secretary of Homeland Security
9 for Management is unsatisfactory; and

10 “(ii) communicates the reasons for re-
11 moving the Deputy Secretary of Homeland
12 Security for Management to Congress be-
13 fore such removal;

14 “(3) may be reappointed in accordance with
15 paragraph (1), if the Secretary has made a satisfac-
16 tory determination under paragraph (5) for the 3
17 most recent performance years;

18 “(4) shall enter into an annual performance
19 agreement with the Secretary that shall set forth
20 measurable individual and organizational goals; and

21 “(5) shall be subject to an annual performance
22 evaluation by the Secretary, who shall determine as
23 part of each such evaluation whether the Deputy
24 Secretary of Homeland Security for Management
25 has made satisfactory progress toward achieving the

1 goals set out in the performance agreement required
2 under paragraph (4).”.

3 (d) INCUMBENT.—The individual who serves in the
4 position of Under Secretary for Management of the De-
5 partment of Homeland Security on the date of enactment
6 of this Act—

7 (1) may perform all the duties of the Deputy
8 Secretary of Homeland Security for Management at
9 the pleasure of the President, until a Deputy Sec-
10 retary of Homeland Security for Management is ap-
11 pointed in accordance with subsection (c) of section
12 701 of the Homeland Security Act of 2002 (6
13 U.S.C. 341), as added by this Act; and

14 (2) may be appointed Deputy Secretary of
15 Homeland Security for Management, if such ap-
16 pointment is otherwise in accordance with sections
17 103 and 701 of the Homeland Security Act of 2002
18 (6 U.S.C. 113 and 341), as amended by this Act.

19 (e) REFERENCES.—References in any other Federal
20 law, Executive order, rule, regulation, or delegation of au-
21 thority, or any document of or relating to the Under Sec-
22 retary for Management of the Department of Homeland
23 Security shall be deemed to refer to the Deputy Secretary
24 of Homeland Security for Management.

25 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) OTHER REFERENCE.—Section 702(a) of the
 2 Homeland Security Act of 2002 (6 U.S.C. 342(a))
 3 is amended by striking “Under Secretary for Man-
 4 agement” and inserting “Deputy Secretary of
 5 Homeland Security for Management”.

6 (2) TABLE OF CONTENTS.—The table of con-
 7 tents in section 1(b) of the Homeland Security Act
 8 of 2002 (6 U.S.C. 101(b)) is amended by striking
 9 the item relating to section 701 and inserting the
 10 following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

11 (3) EXECUTIVE SCHEDULE.—Section 5313 of
 12 title 5, United States Code, is amended by inserting
 13 after the item relating to the Deputy Secretary of
 14 Homeland Security the following:

15 “Deputy Secretary of Homeland Security for
 16 Management.”.

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